

LIEUTENANT JAMES TAYLOR—HEIRS OF.

[To accompany Bill H. R. No. 525.]

MARCH 30, 1860.

Mr. DUELL, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Lieutenant James Taylor, deceased, of the county of Prince Edward, in the State of Virginia, report:

That, from the evidence filed in the case, it appears to the satisfaction of the committee that the said James Taylor served in the revolutionary war against Great Britain as a private, corporal, and sergeant, in the Virginia continental line from 1775 to May, 1779, at which time he received the appointment of lieutenant in the Virginia State garrison regiment, commanded by Lieutenant Colonel Charles Porterfield at the time.

It appears that in December, 1779, he obtained a furlough from Colonel Porterfield for six weeks' duration; and from the honorable antecedents of said James Taylor, as a brave and meritorious soldier, there is no reason to suppose that "he did not return to his regiment;" but, on the contrary, that he remained with it until it was reduced by an act of the Virginia legislature on the 5th of February, 1781, in common with other regiments of the Virginia State line; and that the said James Taylor, with many other officers of the Virginia State line, was placed in the condition of supernumerary officers, without troops of the "line" to command; and as such, by the resolution of the Virginia legislature of May, 1779, and the act of Congress of July 5, 1832, was entitled to the half pay for life, though he may not have served another day after that time, unless he had been required to do so by the proper authority, in the same or some higher rank than a lieutenant.

It is not necessary, however, that a supernumerary officer should be required to take service in order to qualify him in doing so, but should rather be a recommendation in his favor, and is so considered by the courts of Virginia, to find him seeking service again immediately on the reduction of his regiment, which seems to have been the case with the said Lieutenant James Taylor.

History informs us, also, that a large body of Virginia troops marched from Chesterfield Court-house, Virginia, (a State barracks establishment,) for Guilford, North Carolina; and one of the witnesses states that he went along with said James Taylor to Guilford, where he (Taylor) acted the part of brigade major under General Lawson.

Several other witnesses, who knew the said Taylor from his boyhood, and served with him in the regular army, saw him at Guilford Court-house battle; and that he acted as brigade major or adjutant there. Indeed, not one of the many witnesses who testify to his services speak of him as serving in any other capacity than as a soldier in the continental line, as lieutenant in the Virginia State line, or as brigade major under General Lawson at Guilford battle; and in which latter capacity he was serving when he was taken prisoner at Petersburg, in April or May, 1781, and remained in such condition until the surrender of Cornwallis, at Yorktown, October 19, 1781, when he was released; and with numerous other officers, both of the Virginia State and continental lines, were permitted to retire until they were again needed and called upon to join the army again.

Said Lieutenant James Taylor, it seems, did not resign his commission as lieutenant of the Virginia State line, for it was seen among his papers in 1833 by at least two witnesses, in which year, during his lifetime, he contracted with an agent to prosecute his claim for half-pay, and also for the bounty land due him from the State of Virginia; which latter he obtained with little difficulty.

The said James Taylor obtained a pension under the act of Congress of March 18, 1818, as a private, corporal, and sergeant in the Virginia continental line, but he could not be allowed anything under that act as a State line officer, though his services were fully proven as such by those who served with him, including Colonel Mayo Carrington, whose certificate he (Taylor) obtained in 1794, for the purpose, no doubt, of obtaining his half pay and bounty land.

Said Taylor, like many other Virginia officers, being either not able, or willing to encounter a long, tedious, and expensive lawsuit with the State, preferred to await the result of those suits, which were pending in the Virginia court of appeals; and having employed an agent to prosecute his claim for half-pay so early after the passage of the act of July 5, 1832, shows that he considered himself entitled to it; and, also, that the reason why so many Virginia State line officers were so late in obtaining their bounty lands from Virginia was that there was no place to locate their warrants when obtained from 1785 to 1830 to '35, when there were lands appropriated for them by Congress.

Said James Taylor, in his declaration of 1818, speaks of his regiment "being nearly broke," "men's lines all out," when he went to Guilford and obtained "the berth of brigade major" under General Lawson, of Guilford; and of his being taken prisoner at Petersburg, in April, 1781, and was released after the surrender of Cornwallis and permitted to return home with many others, &c.

Said Taylor also, in his affidavit given in the case of Captain Jacob Cohen, claiming commutation, speaks of himself as being in service in 1779 and 1780, and also at the battle of Guilford. This and his declaration of 1818 are both good evidences in his own case for half

pay, because they had no reference to, and before the passage of the act of July 5, 1832, and which was not even thought of, or supposed ever to pass Congress.

Finally, the heirs of the said James Taylor (grandchildren) having been allowed a full pension of \$320 per annum on the rank of lieutenant of the Virginia State line for his services as such under the act of June 7, 1832, (from May, 1779, to May, 1781, when prisoner,) which indicated the opinion of the Commissioner of Pensions at the time (1851-'2) in regard to the services of said Taylor as lieutenant of the Virginia State line, and which allowance of pension seems to have been justifiable from the services rendered, taken together with the fact of there having been a *recantation* of the *examining clerk*, who first rejected the application of Taylor's heirs for half pay and pension, and afterwards favorably reported by him for said pension, and which carried the half pay with it as a necessary consequence, and there being no proof that he (Taylor) ever resigned, the committee therefore regard the claim for half pay as being well founded under the resolution of the Virginia legislature of May, 1779, and the act of Congress of July 5, 1832; and as such report a bill for half pay from the 5th day of February, 1781, when said Taylor became supernumerary by the reduction of his regiment, to the 15th day of May, 1834, when said Taylor died, at the rate of \$160 per annum on his rank of lieutenant in the Virginia State line.

